United Nations A/C.3/63/SR.30

General Assembly
Sixty-third session

Official Records

Distr.: General
28 January 2009
English
Original: French

Third Committee

Summary record of the 30th meeting
Held at Headquarters, New York, on Wednesday, 29 October 2008, at 10 a.m.

Chairman: Mr. Margarian (Vice-Chairman) ..... (Armenia)

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08-57440 (E)

In the absence of Mr. Majoor (Netherlands), Mr. Margarian (Armenia), Vice-Chairman, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 64: Promotion and protection of human rights (*continued*) (A/63/123, A/63/370-S/2008/614, A/63/281-S/2008/431 and A/C.3/63/5)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/63/259, A/63/272, A/63/287, A/63/293, A/63/293/Corr.1, A/63/299, A/63/365, A/63/340, A/63/337, A/63/367, A/63/486, A/63/161, A/63/223, A/63/263, A/63/270, A/63/271, A/63/274, A/63/275, A/63/278, A/63/286, A/63/288, A/63/289, A/63/290*, A/63/292, A/63/313 and A/63/318)

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(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/63/264 and A/63/264/Corr.1)

1. **Ms. Nassau** (Australia) said that her country was willing to engage with the international community on how best to implement human rights obligations, and expected other countries to do the same. Australia had extended a standing invitation to Special Procedures Mandate Holders, and was scheduled to appear before the universal periodic review in 2011.

2. The Prime Minister's apology in February 2008 to indigenous Australians and, in particular, the Stolen Generations, had been a defining moment in the country's history. Her Government was working on a number of initiatives aimed at closing the gap between indigenous and non-indigenous Australians.

3. Another high priority was the protection of the rights of people with disabilities, and the Government had therefore fast-tracked ratification of the Convention on the Rights of Persons with Disabilities.

4. Australia was actively involved in multilateral and regional efforts to promote tolerance, had co-sponsored the Regional Interfaith Dialogue and expected to become a full member of the Interfaith Dialogue and Cooperation for Peace process.

5. She deplored the fact that serious human rights violations continued to occur in many countries, including, in particular, the Democratic People's Republic of Korea, the Islamic Republic of Iran, Myanmar and the Sudan, and said that her country expected the now fully operational Human Rights Council to demonstrate significant improvements over its predecessor.

6. With respect to Fiji, Australia was firmly of the view that the country should return to democracy through elections as early as possible, and was disturbed by the fact that Commodore Bainimarama had told the General Assembly that he would not honour his commitment to hold an election by March 2009, without specifying any other date.

7. **Mr. Kramer** (United States of America), speaking as Assistant Secretary of State for Democracy, Human Rights and Labor, welcomed the opportunity to reaffirm the United States' commitment to the Universal Declaration of Human Rights on the occasion of its sixtieth anniversary. Democracy was the only form of government that protected the human rights and fundamental freedoms set forth in the Declaration, even if no democracy, including that of the United States, was perfect.

8. While remarkable gains had been made on every continent since the Declaration had been adopted, hundreds of millions of people continued to be denied fundamental freedoms by their governments, which persecuted and imprisoned brave individuals who peacefully pressed for their rights.

9. The human rights situation in the Islamic Republic of Iran continued to deteriorate: the Government had tightened restrictions on independent media, detained and abused dissidents, inflicted corporal punishment, repressed women and persecuted ethnic and religious minorities.

10. In the Democratic People's Republic of Korea, the Government controlled almost all aspects of citizens' lives and refused to allow international evaluation of human rights conditions.

11. In Burma/Myanmar, there were currently more than 2,000 prisoners of conscience, including the Nobel Laureate Aung San Suu Kyi, and ethnic minorities faced severe discrimination and persecution.

12. In the Syrian Arab Republic, human rights activists and other critics of the Government were routinely detained. In Uzbekistan, human rights and democracy activists and journalists were targets of repression. In Zimbabwe, the Government had refused to implement the 15 September power-sharing agreement and its intransigence was aggravating the humanitarian crisis, while the number of human rights violations was increasing.

13. **Mr. Tun** (Myanmar), speaking on a point of order, demanded that the speaker should use the official name of his country.

14. **Mr. Kramer** (United States of America), resuming his statement, said that in the Sudan, the genocidal campaign perpetrated by the Sudanese Armed Forces and other agents of the regime, as well as violence by rebel groups and bandits, continued to kill, injure and displace civilians, and that the insecurity had limited the ability of humanitarian organizations to assist the population. The Government censored the media and harassed its critics.

15. In Cuba, at least 219 prisoners of conscience remained incarcerated in deplorable conditions and the Government harassed dissidents. Hope of reform under Raúl Castro had evaporated. Cubans continued to be denied access to independent sources of information and the right to take part in their Government.

16. **Mr. Fundora Navarro** (Cuba), speaking on a point of order, noted that the representative of the United States had exceeded the time limit. **Mr. Chernenko** (Russian Federation), **Mr. Rezvani** (Islamic Republic of Iran) and **Ms. Zhang Dan** (China), also speaking on points of order, stressed that time limits must be respected in order to ensure that all delegations were treated equally.

17. **Mr. Kramer** (United States of America) welcomed the release of prisoners of conscience in Belarus, but deplored the fact that the Government had broken up peaceful demonstrations and harassed the opposition. While his country worked in cooperation with China and the Russian Federation on important international issues, it was concerned that those countries continued to restrict the fundamental freedoms of their citizens. In the Russian Federation, the peaceful activities of non-governmental organizations and religious communities were subject to onerous administrative and fiscal constraints, and the Government was exerting ever greater control over the media. In China, the Olympic Games had displayed not only that country's impressive economic development, but also the Government's efforts to restrict the fundamental freedoms of its citizens.

18. **Mr. Chernenko** (Russian Federation), speaking on a point of order, insisted that the rules of procedure had been violated, and said that his delegation was officially requesting the Secretariat to consider whether the Chairman was competent to continue presiding over the meeting.

19. **The Chairman** urged the United States representative to conclude his statement with a final sentence.

20. **Mr. Kramer** (United States of America) said it was regrettable that there should be representatives in the conference room who were such fastidious timekeepers that they did not wish to hear his country's position on such questions as the usefulness of mandates in certain countries under the special procedures mechanism, the abuse of no-action motions and the need to support the United Nations High Commissioner for Human Rights.

21. **Mr. Rezvani** (Islamic Republic of Iran), speaking on a point of order, called upon the United States representative to apologize to the Committee for violating the rules of procedure, firstly by refusing to call a country by its official name and then by ignoring the limit of one sentence that had been imposed.

22. **Archbishop Migliore** (Observer for the Holy See) said that the right to freedom of thought, conscience and religion continued to face serious challenges in a number of regions around the world, as shown by the recent attacks made on Christian groups in India and Iraq. The unprecedented human mobility and cultural exchange that characterized globalization brought exposure to other forms of thought, expression and religious beliefs and individuals should be free not only to practise their faith but also to uphold it or change it without fear of coercion, intimidation or violence. Governments and civil society, with religious communities in the lead, should endorse that principle and reflect it in their legislation, directives and codes of conduct.

23. Violence against religious communities was aimed not only at their places of worship but also at their educational, humanitarian and social structures. Countering proselytism, real or alleged, was often

invoked, but the violence in fact originated from a fundamentalist ideology that was hostile to any other social force that empowered the poor by defending their dignity and freedom.

24. While his delegation was fully supportive of the need to protect believers from hate speech and acts against their convictions, it was concerned that the increased focus of the Committee's work on the protection of religions against defamation could have serious consequences. Protection could best be achieved by implementing the right of individuals and communities to religious freedom, as set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

25. **Ms. Tadesse** (Ethiopia) welcomed the fact that the Convention on the Rights of Persons with Disabilities, which was the first legally binding international instrument for the protection of the rights of hundreds of millions of persons with disabilities around the world, had been signed by some 130 countries, including Ethiopia, and that 29 countries had ratified it. She also welcomed the progress made under the auspices of the Secretary-General to provide access for persons with disabilities to the facilities and services of the United Nations.

26. At the national level, the Ethiopian Government had been taking a number of measures to protect and promote the rights of persons with disabilities, which were guaranteed under the Constitution of Ethiopia and reflected in Government policies on social development, health, education and employment. The Labour Law had been revised and a national plan of action for the rehabilitation of persons with disabilities had been put in place. A multisectoral coordinating committee had successfully worked to secure the integration of disability issues into the five-year national development plan and had been involved in the efforts to establish a United Nations inter-agency working group on disability. Non-governmental organizations and organizations of persons with disabilities had established the Ethiopian National Disability Network in order to raise public awareness of disability issues and to promote ratification of the Convention on the Rights of Persons with Disabilities.

27. In May 2008, a national workshop had been organized for all stakeholders, in coordination with the regional office of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Council. Participants had noted that the low level of awareness of the general public and of persons with disabilities themselves, as well as financial constraints, were still significant obstacles to the practical implementation of many programmes and policies for the promotion and protection of the rights of persons with disabilities. In that regard, she urged international partners to support the efforts of developing countries to take the needs of persons with disabilities into account in their national development plans.

28. **Mr. Kruljevic** (Serbia) said that his Government attached the utmost importance to the protection of human rights and that it had therefore re-established the Ministry for Human and Minority Rights. Serbia had submitted its initial report to the Committee on the Rights of the Child and would submit its reports to the Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in November 2008 and to the Human Rights Council in December, in the context of the universal periodic review mechanism. Serbia had also taken over the presidency of the Decade of Roma Inclusion and would give priority to the issues of housing for the Roma and non-discrimination in education.

29. However, as documented in many reports of international, regional and non-governmental organizations, the human rights situation in one part of Serbia — Kosovo and Metohija — particularly with regard to security, access to medical treatment and drugs, property and education rights and sustainable return, had deteriorated for non-Albanians since the unilateral declaration of independence. Following the request made by Serbia in 2005 in its initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights had requested the United Nations Interim Administration Mission in Kosovo (UNMIK) to provide information on the implementation of the Covenant in Kosovo and Metohija. That information would be considered at the next meeting of the Committee in November. Serbia, as a State party to the Covenant, would make a presentation on the situation in the province to enable the Committee to make an assessment thereof and offer

recommendations to UNMIK on how to implement the Convention in the part of the national territory it was administering.

30. **Mr. Argüello** (Argentina) said that, on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide and the tenth anniversary of the Declaration on human rights defenders, and taking into account the economic, financial and food crises that were affecting the entire world, it was important to reaffirm the international community's commitment to the promotion and protection of human rights for all. He emphasized the vital role of the International Criminal Court in combating impunity, reiterated Argentina's support for OHCHR and its plan of action and for the special mechanisms, special rapporteurs and special representatives of the Human Rights Council.

31. The major international human rights instruments were an integral part of the Argentine Constitution and Argentina had ratified the Protocol to the American Convention on Human Rights to Abolish the Death Penalty and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Code of Military Justice had also been amended with a view to completely abolishing the death penalty in Argentine legislation. Argentina hoped that as broad a consensus as possible could be reached so that the moratorium on executions declared at the sixty-second session of the General Assembly would become a reality throughout the world. In addition, the entry into force and implementation of the International Convention for the Protection of All Persons from Forced Disappearances adopted in 2006 were crucial to protecting the rights of the victims of such acts.

32. In late 2006, Argentina had adopted, with the support of the High Commissioner for Human Rights, a national plan against discrimination which was based on the Durban outcome. Argentina particularly objected to homophobia and other forms of discrimination based on gender, sexual orientation or sexual identity and in that respect welcomed the courageous positions taken by certain special procedures mandate holders. Argentina was also a Party to the Convention on the Rights of Persons with Disabilities and was convinced that a new era was beginning for the full exercise of rights and freedoms by all individuals.

33. **Ms. Rasheed** (Observer for Palestine), referring to the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967, regretted that human rights violations had continued and even increased over the past year. Israel's occupation of Palestine was the source and cause of all the violations committed against the Palestinians. Pursuant to countless United Nations resolutions and the advisory opinion of the International Court of Justice dated 9 July 2004, any examination of the situation in the Occupied Palestinian Territory should be guided by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, the first Protocol Additional to the Geneva Conventions, the Hague conventions, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Universal Declaration of Human Rights.

34. The violence had caused hundreds of deaths and injuries among Palestinian civilians; she deplored the continuing colonization and confiscation of Palestinian land and the destruction of homes and agricultural land, which had caused the displacement of hundreds of persons and the detention of almost 11,000 Palestinians by the occupying Power, including over 400 children and 100 women, in deplorable conditions. She also regretted the fact that Israel was continuing the illegal construction of the separation wall, which, together with the settlements and numerous checkpoints, destroyed Palestinian territorial integrity, and the Palestinian economy and social fabric, further delaying any possibility of achieving a two-State solution.

35. The continuing siege of Gaza since June 2007 was an act of collective punishment that violated article 33 of the Fourth Geneva Convention. Israel's obstruction of the population's access to humanitarian assistance had led to a steady deterioration in the economic, health and food situation. She called on the international community to compel Israel to lift its siege and to respect its obligations as an occupying Power under international law.

36. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), criticizing the "war on terror" that was being waged by the United States in Iraq, Afghanistan and the Occupied Palestinian Territory, said that acts of aggression and war that caused the deaths of innocent

people, social chaos and poverty constituted the most serious violations of human rights. The best way to protect human rights was to safeguard State sovereignty and ensure social security and stability. It was also important to avoid politicization, selectivity and double standards and to put an end to resolutions submitted by Western countries attacking specific developing countries, a practice which had been condemned in the final document adopted at the meeting of foreign ministers of the Non-Aligned Movement.

37. Japan had refused to apologize or offer reparations for the serious human rights violations it had committed in Korea. The Japanese Government still denied responsibility for the massacre of 1 million people and the abduction of 8.4 million Koreans and some 200,000 "comfort women". Even more serious was the continuing blatant violation of the human rights of Koreans now residing in Japan.

38. The Democratic People's Republic of Korea would continue to make positive contributions to the international efforts for the promotion and protection of human rights, while strengthening its socialist system based on the man-centred Juche idea, in order to give genuine human rights to its people.

39. **Mr. Babadoudou** (Benin) said that the situation of human rights and fundamental freedoms had deteriorated in recent years because of the efforts to counter terrorism and clandestine immigration. Human rights were vital to sustainable development and to achieving the MDGs and it was important that people were aware of them and had a sense of ownership. That was why Benin had promoted the initiative of adopting General Assembly resolution 62/171 on the proclamation of the International Year of Human Rights Learning. Progress had been made in terms of disseminating and teaching the principles underpinning human rights and fundamental freedoms; human rights learning should be based on the interaction of individuals with their environment and take into account the situation on the ground and specific features of each community. He called on Member States and the international community, including OHCHR and the Human Rights Council, to establish human rights learning programmes at the community level in collaboration with civil society, universities and other stakeholders.

40. **Mr. Hadjimichael** (Cyprus), reiterating his Government's commitment to the comprehensive protection of human rights, said that the United Nations High Commissioner for Human Rights played a primary role in that regard and that the capabilities of the Human Rights Council should be reinforced.

41. He recalled that the occupation of part of Cyprus by Turkish troops in 1974 had given rise to human rights violations, including the unlawful presence of Turkish settlers, the usurpation and illegal exploitation of property belonging to the Greek Cypriot refugees and the destruction of their cultural and religious heritage. In a judgement of 2001, the European Court of Human Rights had stressed Turkey's responsibility and the report of the Secretary-General on the question of human rights in Cyprus (E/CN.4/2006/31) had called for the full restoration of all human rights in Cyprus. Also, OHCHR had done a relevant study on the right to the truth (E/CN.4/2006/91), and a report of the Subcommission on the Promotion and Protection of Human Rights (E/CN.4/Sub.2/2005/17 and Add.1) had discussed the issue of housing and property restitution in the context of the return of refugees and internally displaced persons.

42. The thousands living in the occupied zone had been unable to carry on with their normal lives, while the influx of settlers into the occupied zone was a violation of the Geneva Conventions and a war crime under the Statute of the International Criminal Court. Despite the efforts of the United Nations Peacekeeping Force in Cyprus and of the Committee on Missing Persons in Cyprus, the fate of many of those missing remained unresolved, and the General Assembly and the Security Council had in their resolutions called upon Turkey to fulfil its obligations to trace them.

43. Member States should redouble their efforts to put an end to those human rights violations and find a just, comprehensive and sustainable solution to the question of Cyprus, based on the resolutions and decisions of European and international bodies, so that the island and its two communities could be reunited and all Cypriots could once again enjoy their human rights and fundamental freedoms.

44. **Mr. Alexandrakis** (Greece), reiterating the concerns expressed by the representative of Cyprus, observed that Nicosia was the last divided capital in Europe, that one third of the island's population had been displaced, and that the pillage and destruction of

its cultural and religious heritage continued. Greece hailed the start of negotiations under the aegis of the Secretary-General between the President of Cyprus and the Turkish-Cypriot leader, and looked forward to a comprehensive agreement for the reunification of Cyprus. According to the judgement of the European Court of Human Rights referred to earlier, Turkey had violated the European Convention on Human Rights with regard to the missing persons, the property rights of the displaced persons and the living conditions in the Karpas enclave, where measures with regard to the educational and religious rights of the Greek Cypriots there had come only after the exodus of most of them.

45. Welcoming the efforts of the Committee on Missing Persons in Cyprus, he urged Turkey to investigate the fate of those missing. The property rights of displaced Greek Cypriots must be safeguarded, and it was deplorable that their property was being sold to foreign citizens.

46. **Ms. Pairchaiyapoom** (Thailand), recalling the importance her Government attached to the promotion and protection of human rights, fundamental freedoms and democracy, said that it would be marking the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights by a nationwide educational and awareness campaign focusing on the articles of the Declaration and the application of the various United Nations human rights instruments.

47. In view of the critical role the Human Rights Council must play, the hope was that the universal periodic review mechanism would enable it to act effectively and also objectively. Thailand also supported the special procedures mechanisms, and encouraged those holding mandates to continue to discharge them with independence and impartiality, and the countries concerned to work constructively with them.

48. Thailand's legislation and Constitution particularly emphasized the protection of the rights of women, children, disabled persons, migrant workers and hill tribes. The Government was also endeavouring to protect the dignity and the rights of persons living with HIV/AIDS. Considering that the entry into force of the Convention on the Rights of Persons with Disabilities, to which Thailand was a party, offered the opportunity to shift from an approach based on charity to an approach based on the rights of the disabled, her delegation welcomed the establishment of the Asia Pacific Development Centre on Disabilities, a joint initiative of the Thai Government and the Japan International Cooperation Agency. Thailand was also a driving force for the establishment of a regional human rights body within the Association of Southeast Asian Nations (ASEAN). It would appreciate it if the States parties to the Convention endorsed the appointment of the Thai candidate for membership in the Committee on the Rights of Persons with Disabilities.

49. **Mr. Tommo Monthe** (Cameroon) said that the overall assessment of the situation of human rights on the occasion of the sixtieth anniversary of the Universal Declaration was mixed: new international instruments had been adopted and Member States had ratified them, but the tasks ahead were immense. He therefore welcomed the fact that the new High Commissioner for Human Rights intended to work towards a better linkage between human rights, development, peace and security. He believed, like the High Commissioner, that every person should be able to live with dignity and not know hunger, violence or discrimination, and that all human rights had a universal value, including the right to development. With the welcome adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, it was particularly necessary to ensure that all persons enjoyed the whole range of human rights. The teaching of human rights should permit the exercise of those rights, which was critical to the success of a culture of peace. As indicated in the report of the Secretary-General, the United Nations Subregional Centre for Human Rights and Democracy in Central Africa had made a positive impact through its training and awareness-raising activities and its promotion of human rights in the schools and in special training programmes for law enforcement officials. Cameroon was committed to addressing the problems cited in relation to the justice system and the administration of prisons, and planned to construct new prisons and continue to train the officials concerned. His delegation welcomed the General Assembly resolutions requesting additional funds for the Subregional Centre and hoped that the Secretary-General would propose a separate allocation for the Centre in future budgets, as the resolutions had recommended.

50. As a result of the social crisis sparked by the rise in food and fuel prices, his Government had taken measures to improve the living conditions of the

population; that had put a heavy burden on the national budget. Throughout the crisis, the Government had seen to it that public order and security was maintained while continuing to advocate dialogue and concerted action.

51. Cameroon enjoyed good relations with the Office of the United Nations High Commissioner for Human Rights and welcomed the presence of the Subregional Centre in Yaoundé.

52. **Mr. Fundora Navarro** (Cuba) said that he regretted the lack of genuine cooperation on human rights and condemned the countries of the North, in particular the United States of America, for seeking to impose a single model and a world order that served their interests alone. The purposes and principles of the Charter should be strictly respected; cultural, political, religious, economic and social differences should also be respected, and in disregarding them in order to impose their ideological domination, the countries of the North were violating human rights. Those countries were in no position to preach to the countries of the South. The United States had committed abuses in the name of the war against terrorism, had discounted the rights to health, education and development, and was holding a record number of prisoners in its jails and, furthermore, its current President had come into power through an electoral farce. It was therefore not surprising, in his view, that the United States was reluctant to apply for membership in the Human Rights Council. Also disappointing was the selective attitude of the European Union, which condemned abuses in the countries of the South, but not those committed in the countries of the North in the name of anti-terrorism; Europe too had some progress to make, especially with regard to its immigrant populations. Freedom and democracy were therefore not the prerogative of the countries of the North, which did not have the right to impose their model of political and social organization on other countries. Cuba would continue to oppose any attempt to use human rights for purposes of domination, and it would continue its policy of cooperation in the area of human rights on the basis of mutual respect and international law.

53. **Mr. Onischenko** (Ukraine) said that he fully supported the statement made by the representative of France on behalf of the European Union; human rights should become the third pillar of the work of the United Nations. His country supported the Alliance of Civilizations and had ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. It had become party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty and had already abolished that penalty. He welcomed the efforts of countries from various continents that had culminated in the submission to the sixty-second session of the General Assembly of a draft resolution supported by nearly 100 Member States.

54. Ukraine was commemorating the seventy-fifth anniversary of the terrible famine that had been perpetrated in the early 1930s by a totalitarian regime, in which approximately 7 to 10 million innocent men, women and children had perished. The facts surrounding that tragic event had been suppressed for decades in his country and ignored by nearly the entire international community. The tragedy that had befallen the Ukraine had had both national and international consequences. By spreading awareness of that tragedy, his country honoured the memory of the victims and spurred the international community to take measures to prevent such crimes.

55. **Mr. Mgbokwere** (Nigeria) said that, in 2009, his country would be reviewed under the universal periodic review mechanism of the Human Rights Council. Emphasizing his country's commitment to human rights and noting the establishment of democratic governance in May 1999, he said that the Nigerian Constitution guaranteed human dignity and prohibited torture, inhumane or degrading treatment, slavery, servitude and any unconstitutional forced or compulsory labour. The State had made progress in those areas with the support of the labour unions and NGOs.

56. Since it was the inalienable right of all sovereign States to choose their social, economic, political and legal systems, Nigeria was of the view that the death penalty was a necessary and potent deterrent to crime, given the inadequacies of its judicial system. He stressed that the rights and dignity of criminals were always respected.

57. Extrajudicial killings and torture were prohibited under the Nigerian Constitution, which guaranteed the right to life and human dignity. Nigeria had ratified several international and regional instruments concerning those practices and had drafted laws aimed

at enhancing their implementation. It was also making the necessary arrangements to ratify other instruments.

58. The Nigerian Government had taken measures to decongest the country's prisons and to reform the prison system. It had committed several billion naira in its 2008 budget to that initiative under which some inmates above the age of 60 had been released. His country was also in the process of reforming its legislative and justice sectors.

59. Freedom of thought, conscience and religion were enshrined in his country's Constitution and its laws. Health and welfare were also important areas that had benefited from the support of development partners and the private sector. The federal Government had expended the $1 billion debt relief it had negotiated with the International Monetary Fund (IMF) on the MDGs, especially on the health subsector.

60. **Mr. Okuda** (Japan) said it was expected that the Human Rights Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity. Recalling that his country had undergone the universal periodic review of the Council in May 2008, he said that it was vital that Member States participated actively in the review process and implemented the measures recommended. Japan supported the efforts of OHCHR to increase its presence so as to enable it to assist every country in a manner that was tailored to its specific needs.

61. Convinced that dialogue and cooperation were the best means of promoting human rights, Japan had engaged in dialogue with Cambodia and had assisted its Government in the drafting of a civil code and a civil procedure code as well as in moving the Khmer Rouge trials forward. His country also welcomed the drafting by the Government of Sri Lanka of a national action plan on human rights and hoped that Sri Lanka would protect displaced persons and defend human rights.

62. Recalling that, in their respective reports, the Secretary-General and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea had noted that systematic human rights violations were still widespread in that country, he said that that country should provide specific responses to those charges. His Government continued to pursue a policy of normalizing relations with the Democratic People's Republic of Korea with a view to resolving outstanding issues, including the abductions and its nuclear and missile programmes, and urged it to implement its commitment to establish an investigative committee.

63. He welcomed the decision of the Government of Myanmar to authorize a visit by the Special Rapporteur on the situation of human rights in Myanmar and hoped that it would also extend its cooperation to the Special Adviser of the Secretary-General on Myanmar. He also hoped that all parties would be able to participate in the dialogue.

Rights of reply

64. **Mr. Chernenko** (Russian Federation) said that the statement made the previous day by the representative of Georgia was as baseless as Georgia's earlier statements. He advised that delegation to review the reports of NGOs more closely. Information on arms pointed towards the Georgian party to the conflict. Georgia had deliberately stopped fulfilling some of its international obligations a long time ago, particularly its undertaking before the Council of Europe to resettle the ethnic Turks and Russians, among other minorities.

65. In its statement the previous day in exercise of the right of reply, his delegation had described the numerous human rights violations that had been committed by Georgia. The report of the ombudsman of Georgia also contained a detailed account of those violations, but the Georgian Parliament continued to delay its consideration of that report. In his report, the ombudsman expressed concerns about respect for human rights, noted that the country was paralysed by fear, was in the grip of a repressive machinery and found that the authorities had a monopoly on the use of force. The report also noted that, since the "rose revolution", the public prosecutor's office had become a political monitoring body for the Government and controlled nearly all aspects of public life, while the sole function of the courts was to rubber stamp its decisions. Furthermore, the courts and small businessmen were being pressured and the State had appropriated private assets.

66. **Mr. Giorgio** (Eritrea), responding to the statement made the previous day by the representative of France on behalf of the European Union, under agenda item 64 (c), said that the representative of France had decided to arbitrarily single out a few countries for comment on the human rights situation for political reasons, because they were easy targets,

without mentioning friendly countries, even though the latter committed serious violations. It was regrettable that, just when there was renewed interest in the Human Rights Council, some delegations insisted on advocating practices that had discredited the Human Rights Commission. He wondered why countries that portrayed themselves as defenders of human rights insisted on perpetuating an approach that, after many years, had been rejected because it was inefficient and biased. Perhaps those countries did not truly wish to see conditions improve for billions of people who were suffering throughout the world. Under the new system of the Human Rights Council, all States had the same reporting obligations and were subject to the universal periodic review.

67. His country was party to most of the major human rights instruments and had incorporated the majority of their provisions, including those on the prohibition of female genital mutilation, into its domestic law. His Government aimed to ensure the full realization of all human rights for all Eritreans, in particular vulnerable groups, including displaced persons. Political considerations should be eschewed in favour of constructive cooperation.

68. **Mr. Tun** (Myanmar), responding to statements that had been made the previous day by the representative of France on behalf of the European Union and earlier that day by the United States representative, under agenda item 64 (c), said that any State or groups of States could draw the attention of the appropriate United Nations body to the human rights situation in the world, provided that it was done fairly, objectively and without bias, in a spirit of cooperation and in accordance with the provisions of the Charter. Selectivity and discrimination should be avoided. The Human Rights Council was the most appropriate forum for the consideration of human rights questions. The use of human rights for political purposes, including attacks on Myanmar, was unjustified and of serious concern. The flagrant disregard by the European Union and the United States for the work of the Council, which had already undertaken an in-depth review of the situation in Myanmar, was particularly regrettable.

69. His country was cooperating with the Special Adviser of the Secretary-General on Myanmar, the Under-Secretary-General and the Special Rapporteur on the situation of human rights in Myanmar and expected them to show the same spirit of cooperation. He strongly deplored the attempt of the European Union to politicize the humanitarian catastrophe that had befallen Myanmar because of cyclone Nargis, even though a number of local, national and international actors had acknowledged the effectiveness of the Government's response.

70. The representative of France had made reference to the Security Council, even though Myanmar was not a threat to international peace and security. That fact had been confirmed by all Myanmar's neighbours and by the Non-Aligned Movement, which had stressed that the decision by the Security Council to initiate formal or informal discussions on the situation in any Member State of the United Nations or any issue that did not constitute a threat to international peace and security was contrary to Article 24 of the Charter.

71. It was also regrettable that certain delegations continued not to refer to his country by its official name, despite the urging of the Chairman.

72. **Mr. Rezvani** (Islamic Republic of Iran), responding to the statements made by the representatives of the United States and Australia, noted that, as the clear increase in the number of violations attested, 2008 had been the worst year for human rights in the United States. The United States had violated the right to life, in particular through its aerial bombardment of Afghanistan, which had caused more than 500 civilian deaths since 2006. In March, the Committee on the Elimination of Racial Discrimination had expressed deep concern over the racial discrimination faced by Hispanics and African Americans, including in schools and the prison system. Torture, which had been officially authorized by the current Government, was being used in United States prisons to extract confessions. Counter-terrorism had become an excuse for increasing police brutality, which was being committed with impunity, as had been noted by the Human Rights Committee in 2006. Furthermore, the United States wholeheartedly supported Israel's inhumane treatment of the Palestinians, especially in the Gaza Strip.

73. In Australia, the number of indigenous persons who died in detention remained high because torture was not systematically criminalized. In addition, the treatment of immigrants and asylum-seekers was deplorable. He wondered how countries where the human rights situation was so appalling could dare to

sit in judgement on the human rights situation in other parts of the world.

74. **Mr. Saeed** (Sudan) said that he wished to comment on the statements by the representatives of the United States and Australia.

75. The representative of the United States had referred to genocide in connection with the situation in Darfur. It should be stressed, however, that the United Nations had never confirmed that fact. The remark merely reflected the arrogance of the United States, its disrespect towards others and its desire to police the world. Sudan could not accept advice from a country which was the worst possible role model in terms of violence and torture. A country that had presided over Guantanamo and Abu Ghraib should examine its own human rights record before judging others. It should also end discrimination towards African Americans and Hispanics and stop spying on its citizens in the name of the war on terror. Sudan would continue to seek a solution to the problem of Darfur with the help of Qatar and in partnership with those in the world who loved peace, such as the United Nations, the African Union and the Arab League, in the framework of the initiative launched by the President of Sudan.

76. As for the representative of Australia, she should not seek to project the image of a strong nation when it was well known how her country treated its indigenous community, immigrants and asylum-seekers.

77. **Ms. Bhoroma** (Zimbabwe), referring to the statements by France on behalf of the European Union, the United Kingdom, United States of America, Canada, Australia and New Zealand on agenda item 64, said that they were, at the very least, careless, biased and arrogant. Her Government believed that the human rights of a population could not be guaranteed in an environment of abject poverty. To remedy that problem, it had embarked on a process of equitable distribution of land, allowing the population to pursue its rightful development. Regrettably, political and economic sanctions had been imposed on it by various developed countries in response. Zimbabwe cherished its independence, sovereignty, dignity, future and right to self-determination and rejected attempts at intimidation on the part of certain countries and regional blocs which, on the pretext of defending human rights, democracy, the rule of law and good governance, had for several years imposed measures that were completely contrary to the principles governing international cooperation.

78. The Government of Zimbabwe was fully aware of its primary responsibility for the welfare of its people, including providing food in times of drought. It had thus imported food and sought international humanitarian assistance. Countries that were genuinely concerned by Zimbabwe's well-being should assist it by lifting their sanctions. With regard to the political process, the three parties had signed an agreement in September 2008 which they were currently seeking to impose, with the help of the Troika. It was a delicate political process owned not by other countries, but by Zimbabwe.

79. **Mr. Strigelsky** (Belarus), responding to the remarks made by the representative of the United States, said that his country had no political prisoners, except those who had violated common law. Furthermore, Belarus respected the laws that controlled enterprises, ensured the security of its population and was introducing a multiparty system.

80. He also wished to stress that the official spelling of his country should be used in accordance with United Nations practice and documentation. The European Union had unintentionally used the incorrect name, and that mistake should be noted lest it be repeated and be misleading.

81. **Mr. Şen** (Turkey), referring to the statement by the representative of Greece, said that the Cyprus problem had not started in 1974 with the Turkish intervention, but in 1963. The Blue Helmets had, in fact, been deployed on the island in 1964 to stop the Greek Cypriots' attacks on the Turkish Cypriots. The years 1963 to 1974 had been characterized by forced expulsions, acts of intimidation and ethnic cleansing, Greece's objective having been to annex the island to the continent. It had only been in 1974, in the wake of numerous atrocities, that Turkey had intervened in accordance with its rights and responsibilities in order to prevent enosis, the annexation of the island by Greece. A United Nations Settlement Plan had been signed in 2004, but the fate of the Turkish Cypriot community was hardly enviable and the international community should give its backing to that community by forming direct economic, social and cultural contacts without delay.

82. **Mr. Guo** Jiakun (China) said that he categorically rejected the groundless accusations made by the representative of the United States. China had always strived to protect the human rights of its people in accordance with its Constitution. Over the past 30 years it had made unprecedented progress in that field, a fact regrettably ignored by the United States. Such accusations would not deceive the world; they would only prove that the United States was attempting to set itself up as the world's human rights judge. He could only hope that 60 years after the adoption of the Universal Declaration on Human Rights, the United States would admit that it had violated human rights in the fight against terrorism, that it had not ended racial discrimination in its own territory and that it plundered the resources of its indigenous peoples. Instead of showing arrogance, double standards and hypocrisy, it should participate in human rights dialogue in a spirit of objectivity and fair-mindedness.

The meeting rose at 1.05 p.m.